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EB FOR JEN BOGER; WHA FOR RBUDEN

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TAGS: [ECON](#) [PGOV](#) [KJUS](#) [KIPR](#) [BF](#)  
SUBJECT: BANNISTER PLEDGES STRONGER BAHAMIAN IPR ENFORCEMENT

REF: A. 06 NASSAU 01855  
1B. SECSTATE 56800  
1C. NASSAU 009

Classified By: Charge d'Affaires, a.i. D. Brnt Hardt, Reason 1.4 (b).

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SUMMARY  
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1. (C) Charge' Hardt met with Minister of State for Legal Affairs Desmond Bannister, who pledged stronger enforcement on intellectual property rights and requested U.S. help for the training of court reporters. Noting the government's ongoing concern over the high cost of some extradition cases, he reiterated the FNM government's interest in an accommodation with the U.S. to share costs of such cases. Bannister expressed strong interest in having professionals from the Attorney General's Office participate in the International Visitors Program. End Summary.

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INTELLECTUAL PROPERTY RIGHTS  
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2. (C) As part of his continuing calls on the new FNM government ministers, the Charge' called on Minister Bannister, who anticipated our interest in working with the new government to address copyright and other IPR issues, both of which are principal areas in his portfolio. Bannister asked the Charge' to outline U.S. concerns. The Charge' noted that we were pleased that The Bahamas had recently been removed from the 301 Watchlist. We had worked closely with the previous Bahamian government to achieve this step, but serious issues remained to be addressed including limiting Cable Bahamas' use of compulsory licensing as well as with the continued open sale of pirated digital media and counterfeit goods in Nassau.

3. (C) The Minister said he wanted to get at the root of the problem. He mentioned that the Bahamian authorities were interested in targeting principal importers of pirated material. While welcoming this step, the PolChief pointed out that much of the pirated electronic material was produced locally. The Charge noted our understanding from our discussions with Bahamian law enforcement was that enforcement problems stemmed from inconsistent legal authorities. Although there were establishments selling pirated goods in violation of the law, the police apparently lacked the legal authority to shut down the businesses, and customs similarly lacked the authority to seize goods at the border. Bannister promised to look into the legal issues involved. He also said that any proposed training would be most beneficial if it could be conducted in The Bahamas, so that a broader cross-section of personnel could participate.

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COURT REPORTING AND MANAGEMENT ASSISTANCE  
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4. (U) The Charge' then asked Minister Bannister about the needs of the Bahamian judiciary, whose pace in administering justice provides constant fodder for media criticism. Charge' noted that the U.S. has over the past decade worked with a number of governments in the region to help modernize the judiciary. In this regard, Bannister said that court reporting was an area of immediate concern. Presently the Bahamas lacks sufficient numbers of court reporters, resulting in delays in receiving court transcripts. He recalled that back in the 1980s, when he was a young attorney, the court reports were available almost immediately. The College of the Bahamas used to have a court reporting course, but it had been discontinued. The Deputy Permanent Secretary also said that the judiciary needed help with records management. The Charge' said the Embassy might be able to assist in these areas through our Narcotics Affairs Office, and that Post would follow up with the Minister on potential avenues to address these needs. The Charge' also indicated that said we would welcome participation from his office in the Voluntary Visitor Program for Bahamian judicial officials or prosecutors.

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EXTRADITION MATTERS  
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15. (C) Turning to extradition matters, the Charge' thanked The Bahamas for its continued support on the 26 pending extradition cases, and especially for recent efforts on the Kozeny case. He noted that we recognized these were costly, time-consuming cases, but pointed out that achieving the legal end-game provided by extradition and subsequent trials in the U.S. was critical to the continuation of our counter-drug partnership through OPBAT. The Minister affirmed that the cost of prosecuting some of these cases was high, and he had to allocate a substantial sum from his budget to cover it, especially to retain counsel from the United Kingdom to assist the Ministry. The Charge' suggested that the Ministry could use some of the 7 million in assets recently forfeited in high-profile drug cases to cover some of the expenses. Pol Chief noted that the Department of Justice's Office of Prosecutorial Development and Assistance might be able to advise The Bahamas on issues related to asset forfeiture.

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COMMENT  
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16. (C) Minister Bannister seemed genuinely committed to working with us to address continuing IPR concerns, and welcomed upcoming training as a key step forward. Nevertheless, consistent pressure will be necessary to ensure follow through in cracking down on IPR violations. Strengthening the judiciary is emerging as a critical challenge for he Bahamas as more and more criminals either languish in prison or are out on bail awaiting trial. We will look for training and other opportunities to work with the Ministry to address its most urgent needs. Bannister, who had been the FNM's party Chairman during the recent elections, won elected office for the first time. His electoral success and leadership of the party suggest he has a promising future with the FNM.

HARDT